



AGENDA OF THE COMMON COUNCIL

TUESDAY, MAY 17, 2022, 6:00 PM

In person at City Hall Room 203--Council Chambers.

Virtual attendance also available via Zoom.

A. Zoom Meeting Information.

- I. This item contains Zoom virtual meeting information and the comment form.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

E. Approval of Minutes.

F. Approval of the Agenda.

G. Report by the Mayor.

H. Announcements.

I. Appointments.

I. New Appointments:

Zoning and Planning Board of Appeals

Steven Schuchart, 1690 Forest Glen Dr., Green Bay, WI 54304

Term to expire: May 1, 2025 (from alternate to member)

Green Bay Public Arts Commission

Gabrielle Metoxen, WI 137 County Rd. EE, De Pere, WI 54115

Term to expire: May 1, 2025 (liaison)

J. Ordinances - Second Reading for Adoption.

- I. Zoning Ordinance No. 07-22
An ordinance rezoning the property located at 1555 West Mason Street from General Commercial (C1) District to Highway Commercial (C3) District.

K. Report of the Redevelopment Authority (May 10, 2022).

1. To approve the Development Agreement as presented for financial assistance for a redevelopment project located at 216-222 Cherry Street and forward it to the City Council for their consideration, subject to final review by the City Attorney.
2. To approve amending Development Agreement 18-02 between the City of Green Bay and the Redevelopment Authority regarding improvements to the Shipyard to 1) reflect the current project description and costs for Phase I, and 2) increase the borrowing limit by \$2.65 million, and forwarding the agreement to the City Council for their consideration, subject to final review by the City Attorney.

L. Report of the Improvement & Services Committee (May 11, 2022).

1. To refer to staff for short-term and long-term solutions to lessen trash along West Mason/Highway 54 from Packerland to the City limits. (Ald. Brunette)
2. To refer to staff the request to review staffing the yard waste sites to ensure there is no contractor use of the facilities. (Ald. Steuer)
3. To receive and place on file the request to investigate the cause for damage to a private storm lateral serving 727 Gray Street. (Ald. Steuer)
4. To hold the request by Teri Johnson, 1350 Holiday Avenue, to have sidewalks removed from the Holiday Avenue frontage of the following properties: 1344 Holiday, 1345 Holiday, 1350 Holiday, 1351 Holiday, 1354 Holiday, 1355 Holiday, 1700-1702 Briquetet, and 1714 Briquetet Street. (Ald. Wery)
5. To approve the request by Department of Public Works to award the contract PARKS 3-22 METRO BOAT LAUNCH DOCKS at a staff level and report the award at the next regular meeting of the Improvement and Services Committee.
6. To approve the request by Department of Public Works to create a twelve-foot wide utility easement at back of right-of-way on Parcels 14-1094 and 21-1283 along East Mason Street.
7. To approve the text amendments to Chapters 16 & 42 relating to stormwater management.
8. To approve the award of the following contracts:
 - A. BRIDGE 3-22 (ASHLAND AVENUE OVER CNRR AND 6TH STREET B-5-018 EXPANSION JOINT RECONSTRUCTION) to the low responsive bidder, Norcon Corporation, in the amount of \$388,674.
 - B. BRIDGE 4-22 (MONROE AVENUE OVER EAST RIVER B-5-255 EXPANSION JOINT RECONSTRUCTION) to the low responsive bidder, Zenith Tech, Inc., in the amount of \$193,285.

C. PAVEMENT I-22 ROOSEVELT STREET RECONSTRUCTION to the low responsive bidder, PTS Contractors, Inc., in the amount of \$3,126,000.

To deny the award of the contract WSG I-22 WATER HEATER REPLACEMENT due to the absence of qualified bids.

9. To receive and place on file the report of actions taken by Department of Public Works.

A. Granting of Licenses

1. Sidewalk Builder

- a. Scott R. Weidner Concrete Construction LLC

2. Underground Sprinkler System

- a. Fox Valley Irrigation Inc.

10. To approve the request to review the City's Street Excavation Repair Policy and revise as directed to apply the new policy to all pending repairs. (Ald. Wery)

M. Report of the Protection & Policy Committee.

1. To deny the request by Duel Sports Bar LLC at 1114 Main St. to change their license premises to outdoor patio, restroom, green space based on the police department's inability to provide law enforcement services to the balance of the community and an adverse impact to the peace, quiet and cleanliness of the neighborhood (held from the 5/3/22 Council Meeting).
2. To hold the appeal, from Ms. Jackie Anthony on the declaration of "dangerous dog" for her animal, Jacob (Jake), until circuit court has concluded.
3. To approve a change of agent effective July 1, 2022 for Renard & Tisler Enterprises Inc. at 616 Lime Kiln Rd.
4. To approve a 2022-2023 Liquor License Renewal Application for a Class "B" Beer license by Marcus Cinemas of Wisconsin, LLC at 1000 Kepler Dr. with a change of agent.
5. To approve on a 2022-2023 renewal application for a "Class B" combination license by Brinker Restaurant Corporation at 2363 W. Mason St. with a change of agent.
6. To approve an application for an available "Class B" Combination license for the 2022-2023 license year by Sushi Lover Buffet LLC at 313 N. Broadway with a license premises description as "living room (seats 99 people), store in basement and dine in area cooler" (Currently licensed as Suo Suo You, LLC with a "Class" C Wine and Class "B" Beer license and contingent upon the approval of the proper authorities).
7. To approve an original application effective July 1, 2022 for a "Class A" Liquor and Class "A" Beer license by Oneida Nation at 501 Packerland Dr. with a license premises description as

- "1,100 sq ft convenience store" (Currently licensed by Oneida Nation as a Class "A" Beer license and contingent upon the approval of the proper authorities).
8. To approve an original application effective July 1, 2022 for a "Class A" Liquor and Class "A" Beer license by Oneida Nation at 2597 W. Mason St. with a license premises description as "1,100 sq ft convenience store" (Currently licensed by Oneida Nation as a Class "A" Beer license and license contingent upon the approval of the proper authorities).
 9. To approve an original liquor license application for a "Class A" Liquor and Class "A" Beer license by Badi Malinka LLC at 2278 Bay Settlement Rd. with a license premises description as "FRONT AREA OF BUILDING AND STORAGE ROOM BY THE COOLER" (Currently licensed as RKO Enterprises, Inc. and contingent on the approval of the proper authorities).
 10. To approve a renewal application for a "Class B" Combination license by Green Bay Botanical Garden, Inc. at 2600 Larsen Rd. with a permanent license description as "SCHNEIDER EDUCATION CENTER, PATIOS, CONCESSIONS and TRAILS." 2022-23 license year included an addition of "trails" in the premises description (Contingent upon the approval of the proper authorities and requires Council to waive the ordinance requirements for outdoor premises).
 11. To approve a renewal application for Kristine Dhein at 1689 E. Mason St. with a permanent license description as "one floor bar and deck" and a license description of "parking lot and garage" until December 31, 2022 as authorized by General Ordinance 01-22 (Contingent upon the approval of the proper authorities).
 12. To approve a 2022-2023 renewal application by J&B Gas, Inc. at 1480 Lime Kiln Rd. to change their license premises from "single-story office, c-store" to c-store (Contingent upon the approval of the proper authorities).
 13. To approve a renewal application for vonStiehl Winery at 345 S. Adams St. with a license premises description as "inside of building, porch, parking lot, front lawn," with the stipulation that the Council will approve a waiver of the fencing requirements for an outdoor area; noting there is a hedge at the property and there was previous use of this area, without incident.
 14. To approve a "Class B" Combination License for Captain Jacks, LLC at 101 Bay Beach Rd. with a revised license premises to include a west outdoor patio, with the requirement that Council will waive the fencing requirements; noting the marina is located on a peninsula and has an entrance gate.
 15. To approve a 2022-2023 renewal application by Daily Buzz LLC at 130 E. Walnut St. for a reserve "Class B" Liquor and Class "B" beer license with a new license description as "1st floor, 2nd floor, outdoor patio, 9th floor, 3rd floor Art Gallery" (3rd floor Art Gallery has been added and with the approval of the proper authorities).
 16. To approve a renewal application for a 6-month Class "B" beer license for De Pere Dodgers Baseball Club, Inc. at 1450 E. Walnut St. with a change of agent (Contingent upon the approval of the proper authorities).

17. To approve a 2022-2023 renewal application for a "Class B" Combination license by 129 South Washington LLC at 129 S Washington St. with a licensed premises description as "bar room-3900 SF, storage Room- outdoor patio" (Outdoor patio was granted by Council in 2020 and contingent upon the approval of the proper authorities and requires Council to waive the ordinance requirements for outdoor premises).
18. To approve a request by Taqueria Maldonado's Main Street LLC at 400 Schoen St. to change their license premises to "dining room, bar and outdoor beer garden patio, back area" contingent upon the approval of the proper authorities. (Currently no licensed outdoor area on premises)
19. To deny a 2022-2023 for a "Class B" Combination Liquor Renewal License Application by Code 920, Inc. (The Bay) at 805 Klaus St, based on "non-compliance with stipulation" report from the Green Bay Police Department, which is a violation of City ordinances.
20. To approve the various liquor and/or beer licenses renewal applications with no changes for the 2022-2023 license year, contingent upon the approval of the proper authorities. (see attached).
21. To approve various liquor and/or beer licenses renewal applications with changes to the license premises description for the 2022-2023 license year, contingent upon the approval of the proper authorities (see attached).

N. Report of the Protection & Policy Committee Granting Operator Licenses.

- I. Report of the Protection & Policy Committee Granting Operator Licenses.

O. Report of the Plan Commission (May 9, 2022).

- I. To authorize a Conditional Use Permit (CUP) for a carwash facility in a Community Center Commercial (C3) District located at 1555 West Mason Street, subject to the following conditions:
 - a. CSM submission to create a lot as described in the legal.
 - b. Standard site plan review and approval.
 - c. Conditions listed by the City Traffic Engineer must be addressed.
- (Public Hearing held 05/09/22)
2. To rezone 221 and 227 North Quincy Street and 618 and 624 Pine Street from Office Residential (OR) to Downtown One (D1). (Public Hearing held 05/09/2022)
 3. To approve the request to vacate an alley between Cherry Street and Pine Street, subject to:
 - a. Adjacent property owners shall be responsible for, and owner of, the Storm Sewer within the vacated Alley.
 - b. Adjacent property owners shall be responsible for all costs to close curb openings to Pine Street and Cherry Street.

c. Any and all utility lines with another provider to be removed.

4. To amend the following text amendment sections to encourage Green Infrastructure as discussed:
Section 2. Section 44-1965 (b)(4b); Section 2. 44-1965 (c)(3b); Section 3. Section 44-1966 (c1); adding the following language:
"Except where the Director or their designee determines" (Public Hearing held 05/09/22)

P. Report of the Finance Committee (May 10, 2022).

1. To Approve a Resolution Authorizing and Providing for the Sale and Issuance of \$14,475,000 General Obligation Corporate Purpose Bonds, Series 2022A, and All Related Details.
2. To Approve a Resolution Authorizing and Providing for the Sale and Issuance of \$3,825,000 General Obligation Promissory Notes, Series 2022B, and All Related Details.
3. To approve the renewal of the City of Green Bay Copier Lease Agreement.
4. To approve the bid award for the Official Newspaper of the City of Green Bay to the lowest responsive responsible bidder which is Press Times.
5. To receive and place on file a report out of the purchase of rain barrels approved with ARPA money to Earthmark LLC for \$36,400.00.
6. To approve the American Rescue Plan Act (ARPA) allocation within the Crime Prevention and Neighborhood Enhancement category for Neighborhood Association support for \$150,000.
7. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Energy Efficiency grants for \$500,000.
8. To approve as amended. To amend the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Curb Appeal program for \$300,000 to mirror the Shipyard program with \$1,000 for landscaping, \$2,500 for structural, \$5,000 for site improvement and a minimum 25% match.
9. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Great to be Home! program for \$500,000.
10. To approve a name change to the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for the Accelerator program for \$40,000 approved by Common Council in February 2022.
11. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Homelessness Blueprint Staff for \$90,000.

12. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Green Bay Area Chamber of Commerce Micro Business Staff for \$180,000.
13. To refer to staff, Law and Finance, to draft a policy revision for a vote in June by the full common council in response to a request by Ald. Brunette to the Finance Committee which states: "To create a policy or amend an existing policy to prohibit or prevent city personnel from the offices of Clerk, Mayor, Law, Finance, and IT in soliciting, accepting, or using any donation in the form of money, grants, property, or personal services from an individual or a nongovernmental entity for the purpose of funding election-related expenses, voter education, voter outreach, or voter registration programs with the exceptions of compensation of poll workers, securing leases for polling locations, and PPE for voters and volunteers."
14. To refer to staff to work with Ald. Brunette to bring forward to the Common Council a request by Ald. Brunette which states: "For a status update and discussion regarding legal services received from Law Forward, States United Democracy Center, and Stafford Rosenbaum LLP with possible actions such as continuing or discontinuing legal services received."

Q. Report of the Personnel Committee (May 10, 2022).

- I. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Crime Analyst - Police
 - b. Zoning Administrator/Senior Planner - Community & Economic Development

R. Report of the Economic Development Authority. (May 12, 2022)

- I. To approve a development agreement with Carnivore Meat Company for the development of City-owned parcels 21-22 and 21-24 (partial), subject to final review and approval of the City Attorney (held from 5/3/2022 Council Meeting).

Council may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons, and Section 19.85(1)(g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Authority will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

S. Receive and Place on File.

1. Building Report for April 2022
2. AprilMuniCtreport2022

T. Committee of the Whole.

1. Consideration, with possible action, on an updated resolution establishing the wards of the City, as a result of the statewide redistricting by the Wisconsin State Legislature.

U. Resolutions.

1. Resolution approving dedication of City-owned lands required for Chantel Street rights-of-way.
2. Resolution of public alley between Monroe Ave and Quincy Street from Cherry Street to Pine Street to be vacated.
3. Resolution authorizing conditional use permit at 1555 W Mason Street.
4. Resolution Authorizing and Providing for the Sale and Issuance of \$14,475,000 General Obligation Corporate Purpose Bonds, Series 2022A, and All Related Details.
5. Resolution Authorizing and Providing for the Sale and Issuance of \$3,825,000 General Obligation Promissory Notes, Series 2022B, and All Related Details.
6. Resolution approving dedication of public utility easements across City-owned lands adjacent to East Mason Street (Tax Parcel Numbers 14-1094 and 21-1283).
7. Resolution establishing the wards of the City, as a result of the statewide redistricting by the Wisconsin State Legislature.

V. Ordinances - First Reading.

1. Zoning Ordinance No. 09-22
An ordinance rezoning the properties located at 221 & 227 N Quincy Street and 618 & 624 Pine Street from Office Residential (OR) District to Downtown One (D1) District.
2. General Ordinance No. 12-22
An ordinance amending Section 44-1917, Green Bay Municipal Code, relating to service, loading, and storage areas.
3. General Ordinance No. 13-22
An Ordinance creating Sections 44-358(a)(13)-(15), permitted setback encroachments.
4. General Ordinance No. 14-22
An Ordinance amending Section 44-1694, Green Bay Municipal Code, relating to surfacing.
5. General Ordinance No. 15-22
An Ordinance amending Sections 44-1964, 44-1965, 44-1966, 44-1967 and 44-1968 Green Bay Municipal Code relating to landscaping.
6. General Ordinance No. 16-22
An ordinance amending Section 44-249, Green Bay Municipal Code, relating to general definitions.

7. General Ordinance 17-22

An ordinance amending Chapters 16 and 42 Relating to Stormwater Management

W. Referral of Petitions & Communications.

X. Adjournment.

- 1) SUPPLEMENTAL INFORMATION: The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at www.greenbaywi.gov/Meetings.
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.